

# EXHIBIT A



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BY FACSIMILE

Robert M. Masters, Esq.  
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2100 Pennsylvania Avenue, N.W.  
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Re: *Bridgestone Sports Co. v. Acushnet Co.*,  
Civil Action No. 05-132 (JJF)  
Acushnet's Reply Brief

Dear Rob:

I write in response to your letter of December 29, 2005. While Acushnet and Bridgestone Sports entered into a Mutual Nondisclosure Agreement ("Agreement") to further settlement discussions on February 14, 2005, this Agreement does not apply to the information relied on by Acushnet in its Reply Brief In Support of Its Motion for Representative Claims And To Require Detailed Infringement Contentions.

Specifically, paragraph 3 provides:

**Nothing contained herein shall preclude any party from using any documents or information exchanged in the course of Settlement Discussions that was or has been otherwise obtained independently of Settlement Discussions.**

This paragraph unequivocally states that if Acushnet obtains information independent of the Settlement Discussions, Acushnet may use that information. The information relied on by Acushnet was obtained in response to Acushnet's document requests in this litigation—a source "independent[] of Settlement Discussions." *See* BSP089130-BSP089152.

Bridgestone never claimed any aspect of this document as privileged. Rather, Bridgestone produced it to Acushnet with only a "Confidential" stamp—as permitted under the Court's protective order. Acushnet filed its reply brief under seal and has therefore complied with all obligations owed to Bridgestone.

**HOWREY**<sub>LLP</sub>

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Therefore, Acushnet is under no obligation to withdraw or redact its brief. We believe that this letter addresses your concerns. If, however, that is not the case, please do not hesitate to contact me so that we can discuss this matter further.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Alan Grimaldi".

Alan M. Grimaldi

# EXHIBIT B

**THIS EXHIBIT HAS BEEN  
REDACTED IN ITS ENTIRETY**